

Appl. No. : 10/624,816
Filed : July 22, 2003

REMARKS

Applicant submits the foregoing amendments and following remarks in response to the Office Action mailed November 3, 2006 (hereinafter referred to as "the Office Action"). As indicated in the Disposition of Claims in the Office Action, claims 1-14, 17-19, 22, 23, and 29-32 were pending in the application, claims 1-12, 22, 23, and 32 are allowed, and claims 13, 14, 17-19, and 29-31 are rejected. The foregoing amendments amend Claims 29 and 30 to overcome the cited 35 U.S.C. §112 rejections and cancel claims 13, 14, 17-19, and 31. Accordingly, Applicant respectfully submits that claims 29-30, in addition to claims 1-12, 22, 23, and 32, are in condition for allowance.

Interview

Applicant thanks Examiner Getzow for the informative in-person interview on December 7, 2006 at the United States Patent and Trademark Office. The Examiner and Applicant discussed several possible amendments to the rejected apparatus claims. However, to facilitate issuance of the allowed claims, Applicant will consider submitting such claims in a subsequently filed patent application, if desired

Claim Rejections under 35 U.S.C. §112

The Office Action rejected claims 29 and 30 under 35 U.S.C. §112 second paragraph as being indefinite as they are apparatus claims that erroneously depend from method claims 1 and 7. The Office Action indicates Claims 1 and 7 are allowed, and that claims 29 and 30 would be allowable if amended to overcome the 35 U.S.C. §112, 2nd paragraph rejection. Claims 29 and 30 are amended to be method claims. Accordingly, Applicant respectfully submits that claims 29 and 30 are also allowable for at least the same reason(s) as claims 1 and 7.

Claim Rejections under 35 U.S.C. §102(b) and §103(a)

Claims 13, 14, 18, and 31 were rejected under §102(b) as being anticipated by Bosniak et al. (USP 5,169,384); Claims 17 and 19 were rejected under §103(a) as being unpatentable over Bosniak et al. Applicant traverses these rejections. However, to facilitate issuance of the

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allowed claims and the claims amended to be allowable, Applicant cancels claims 13, 14, 17-19, and 31 without prejudice and reserves the right to pursue such claims in a subsequent application.

CONCLUSION

The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes pursuant to statutory section 112, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of these amendments and remarks, reconsideration and withdrawal of any outstanding rejections of the pending claims is respectfully requested.


If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned at (619) 687-8610.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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